



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100, BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

MAY 05 2014

Jeffrey P. Allen, PG

Manager, Acquisitions and Remediation, Environmental, Health, Safety and Security

Eaton

Mail Code 4S

1000 Eaton Boulevard

Cleveland, Ohio 44122

Jeffrey O'Hearn, Corporate Environmental Manager

Panolam Industries International Inc.

20 Progress Drive

Shelton, Connecticut 06484

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)
Pioneer Plastics Site, Auburn, Maine

Dear Messrs. Allen and O'Hearn:

This is in response to the Notification¹ for a proposed PCB cleanup at the Panolam Industries International Inc. facility ("the Site") located in Auburn, Maine. The Site contains PCB-contaminated soils that exceed the allowable PCB levels under the federal PCB regulations at 40 CFR § 761.61. Eaton ("Eaton") has an agreement with Panolam Industries International, Inc. ("Panolam"), which gives Eaton the right to access the Auburn facility for the purposes of investigating and remediating certain site-related contamination, including PCBs.

Eaton has proposed a plan to address PCB-contaminated soils located within the proposed, new Regenerative Thermal Oxidizer ("RTO") area under the self-implementing cleanup and disposal option at 40 CFR § 761.61(a). Specifically, the plan includes:

- Remove PCB-contaminated soils with greater than (">") 10 parts per million (ppm) but less than ("<") 50 ppm and dispose as a < 50 ppm *PCB remediation waste* at a state-permitted landfill in accordance with § 761.61(a)(5)(i)(B)(2)(ii);

¹ Information was submitted on behalf of Eaton by Sevee & Maher Engineers, Inc. to satisfy the notification requirement under 40 CFR § 761.61(a)(3). Information was provided January 27, 2014 (Self-Implementing Cleanup Plan (SIP) for PCBs); and, March 27, 2014 (Amendment to SIP). These documents shall be referred to as the "Notification."

- Remove PCB-contaminated soils with greater than or equal to (" \geq ") 50 ppm and dispose at a TSCA permitted or RCRA hazardous waste landfill in accordance with § 761.61(a)(5)(i)(B)(2)(iii); and,
- Collect verification samples in accordance with 40 CFR Part 761 Subpart O to confirm that the less than or equal to (" \leq ") 10 ppm PCB cleanup standard has been achieved and construct compliant cap (i.e., RTO slab) in accordance with 40 CFR § 761.61(a)(7).

With exception of the characterization sampling frequency requirement for off-site disposal, the proposed cleanup and disposal of the PCB-contaminated soils located in the new RTO area meet the self-implementing cleanup and disposal requirements under 40 CFR § 761.61(a). As segregation of \geq 50 ppm PCB-contaminated soils from $<$ 50 ppm PCB-contaminated soils is proposed for off-site disposal, this Approval requires additional PCB sampling. EPA has determined that these new data in conjunction with existing data will be sufficient to confirm PCB concentrations for off-site disposal and will not result in an unreasonable risk of injury to public health or the environment. EPA may approve the sampling in accordance with 40 CFR § 761.61(c). Please see Attachment 1, Condition 13.c.

EPA is approving the PCB cleanup and disposal plan and Eaton and Panolam may proceed with the cleanup under 40 CFR §§ 761.61(a) and (c) and the Notification, subject to this Approval and the conditions of Attachment 1.

Please note that this Approval only addresses cleanup and disposal of the PCB-contaminated soils located within the proposed, new RTO Area. As additional investigation and cleanup of contamination at the property will be required subsequent to this work, EPA is temporarily postponing the deed notation requirement under 40 CFR § 761.61(a)(8) until completion of the overall property cleanup. However, in the event EPA determines that a deed notice is required prior to completion of the overall site cleanup, the property owner shall be required to record the deed restriction in accordance with 40 CFR § 761.61(a)(8).

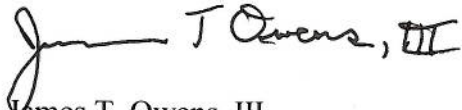
EPA understands that the Maine Department of Environmental Protection ("MEDEP") has a consent agreement with the Pioneer Plastics Corporation and Eaton's predecessor, Sterling Engineered Products, Inc. Under the consent agreement, Sterling, and thus Eaton, is primarily responsible for site investigation and remediation activities. Please be aware that this Approval does not release Eaton or Panolam from any applicable requirements of federal, state or local law, including those requirements related to remediation of PCBs and other [non-PCB] contaminants at the Site by the MEDEP.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall consider this project complete only when it has received documents evidencing construction of the physical controls (i.e., TSCA cap in accordance with 40 CFR § 761.61(a)(7)) and adoption of the deed restriction in accordance with 40 CFR § 761.61(a)(8). Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in black ink, appearing to read "James T. Owens, III". The signature is fluid and cursive, with the last name "Owens" being the most prominent part.

James T. Owens, III
Director, Office of Site Remediation & Restoration

Attachment 1: Approval Conditions

cc: J. Atwell, Sevee & Maher
H. Nilsson, MEDEP
J. O'Hearn, Panolam
J. Smith, Panolam/Pioneer
File

ATTACHMENT 1:

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
PIONEER PLASTICS (PANOLAM INDUSTRIES INTERNATIONAL INC.) FACILITY
1 PIONITE ROAD
AUBURN, MAINE**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. §2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to *PCB remediation waste* identified in the Notification ², specifically the PCB-contaminated soils located within the proposed, new Regenerative Thermal Oxidizer ("RTO") area as shown on Figure 1 of the March 27, 2014 submittal.
2. Eaton ("Eaton") and Panolam Industries International Inc. ("Panolam") (together, "the Parties") shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. Eaton must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, Eaton shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. Eaton is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time Eaton or Panolam has or receives information indicating that Eaton or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by Eaton are authorized to conduct the activities set forth in the Notification. Eaton is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

² Information was submitted on behalf of Eaton by Sevee & Maher Engineers, Inc. to satisfy the notification requirement under 40 CFR § 761.61(a)(3). Information was provided January 27, 2014 (Self-Implementing Cleanup Plan (SIP) for PCBs); and, March 27, 2014 (Amendment to SIP). These documents shall be referred to as the "Notification."

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the Parties from compliance with any applicable requirements of federal, state or local law; or 3) release the Parties from liability for, or otherwise resolve, any violations of federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in 40 CFR § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

NOTIFICATION AND CERTIFICATION CONDITIONS

10. This Approval may be revoked if the EPA does not receive written notification from Eaton and Panolam of their acceptance of the conditions of this Approval within ten (10) business days of receipt.
11. Eaton shall notify EPA in writing of the scheduled date of commencement of on-site activities at least three (3) business days prior to conducting any work under this Approval.
12. Prior to initiating onsite work under this Approval, the Eaton shall submit the following information for EPA review and/or approval:
 - a. a certification signed by its selected contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. a contractor work plan prepared and submitted by the selected contractor(s), detailing the procedures that will be employed for remediation of PCB-contaminated materials and for containment and monitoring during remediation activities. This work plan should also include information on waste storage, handling, and disposal for each waste stream type and for equipment decontamination; and,
 - c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the analytical and quality assurance requirements specified in the Notification and in this Approval.

CLEANUP AND DISPOSAL CONDITIONS

13. The cleanup level for *PCB remediation waste* (i.e., soils) at the Site shall be less than or equal to (" \leq ") 10 parts per million ("ppm") to meet the cleanup requirements at § 761.61(a)(4).
- a. *Bulk PCB remediation waste* (i.e., soil) samples shall be collected on a bulk basis (i.e., mg/Kg) and reported on a dry-weight basis. Verification sampling to confirm that the ≤ 10 ppm PCB cleanup standard has been met shall be conducted in accordance with Subpart O; samples shall be collected from both excavation bottoms and sidewalls, as applicable.
 - b. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another method(s) is validated according to Subpart Q.
 - c. In the event Eaton elects to segregate greater than or equal to (" \geq ") 50 ppm PCB-contaminated soil and less than (" $<$ ") 50 ppm PCB-contaminated soils for off-site disposal, the following shall apply.
 - i) Following excavation of the ≥ 50 ppm PCB-contaminated soils, sampling shall be conducted in accordance with Subpart O to confirm that all ≥ 50 ppm PCB-contaminated soils have been removed prior to excavation of < 50 ppm PCB-contaminated soils.
 - ii) Composite sampling may not be conducted to confirm that the ≥ 50 ppm PCB-contaminated soil has been removed.
 - iii) PCB-contaminated soils with greater than (" $>$ ") 1 ppm but < 50 ppm shall be disposed of as a < 50 ppm *PCB remediation waste* at a state-permitted landfill in accordance with § 761.61(a)(5)(i)(B)(2)(ii) or § 761.61(a)(5)(i)(B)(2)(iii).
 - iv) PCB-contaminated soils with ≥ 50 ppm shall be disposed of at a TSCA permitted or RCRA hazardous waste landfill in accordance with § 761.61(a)(5)(i)(B)(2)(iii).
 - v) In lieu of conducting the segregation sampling described in 13.c.i. and 13.c.ii during soil excavation, the following shall apply:
 - (1) Characterization sampling shall be conducted in accordance with § 761.61(a)(5)(i)(B)(2)(i) to delineate for segregation purposes the ≥ 50 ppm PCB-contaminated soil and the < 50 ppm PCB-contaminated soil. Composite sampling may not be conducted during the characterization sampling; and,

- (a) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another method(s) is validated according to Subpart Q; and,
 - (b) The results of the characterization sampling shall be submitted to EPA and Maine Department of Environmental Protection ("MEDEP") for review prior to conducting removal of the PCB-contaminated soils; or,
 - (2) All PCB-contaminated soils shall be disposed of as a ≥ 50 ppm PCB waste at a TSCA permitted or RCRA hazardous waste landfill in accordance with § 761.61(a)(5)(i)(B)(2)(iii).
 - d. In the event the ≤ 10 ppm PCB cleanup standard cannot be met, the Parties shall notify EPA prior to installation of the new RTO concrete slab and shall submit information on Site conditions and why the ≤ 10 ppm PCB cleanup standard cannot be met. Based on its review of the submitted information, EPA may determine that additional soil removal work is required to meet the requirements under 40 CFR § 761.61(a).
14. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with § 761.61(a)(5), unless otherwise specified as follows:
- a. Non-liquid cleaning materials, such as PPE and similar materials resulting from decontamination, shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.70.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

15. Eaton and Panolam shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by Eaton or Panolam to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.

16. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA and MEDEP no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR §761.61(a)(3)(ii).
17. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
18. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

19. Eaton shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K and shall submit same to Panolam. A written record of these remedial activities shall be established and maintained by Eaton and Panolam in one centralized location until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection by authorized representatives of EPA.
20. Eaton shall submit a final report in both hard copy and electronic formats, to EPA, MEDEP and Panolam within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the remedial activities with photo-documentation; characterization and verification sampling results; an estimate of the quantity of PCB waste disposed of; copies of manifests and/or bills of lading; and, copies of certificates of disposal or similar certifications issued by the disposer.
21. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527 / Facsimile: (617) 918-0527
22. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1